

1888-043 Chancery Causes: A. S. Whitehead to os. John M. Whitehead &
Lee Co.

Wood, Anderson, McDaniel

1 Plat

CA-Estate Dispute
T-Property

To the honorable H. S. K. Morrison Judge of the
Circuit Court of Lee County Virginia.

Humbly complaining your orator, ^{oratrix} A. S. Whitehead
and Wm R Wood & Jennima C Wood his wife for-
merly Jennima C Whitehead, would respectfully
represent & shew unto your honor, that Ursula
Whitehead, the mother of your orator A. S. Whitehead
& your oratrix Jennima C Wood, departed this life
on the day of 18, seized and possessed
of a certain tract or parcel of land lying and
being in Lee County Va. on Chestnut ridge, near
Caneys Hollow, containing 265 Acres, and on which
John M Whitehead the father of your ^{orator} oratrix
now resides. That the said decedent left the said
John M Whitehead, her husband, and your orator
& oratrix, Elizabeth Whitehead who married Samuel
Anderson, Darcus C Whitehead who married
Wm McDaniel, Lula R Whitehead who married
Isaac McDaniel, Vella L Whitehead, John H M
Whitehead, Lorena M Whitehead & Martha J Whitehead
(her children) and her only heirs and distributees
of her estate, the four last named being infants
under the age of twenty one years. That the said
real estate was the separate estate of the said
Ursula Whitehead and descended to her said chil-
dren and heirs subject to the interest, by the Cour-
tesy, of the said John M Whitehead, husband of
the decedent and father of said children & heirs.

That the said father & husband is willing and desirous that said tract of land be partitioned among said heirs free from any claim or interest of his, except as to the shares of the said four infants, and as to their shares he proposes to release to them his life interest as they arrive respectively at the age of twenty one years. Your orators & oratrix will further shew unto your honor that the said real estate is susceptible of partition, and the object of this bill is to have the same partitioned among said heirs according to their respective rights and interests therein, free from the life interest of their said father, except as to the four infants as aforesaid. To this end they pray that the said John M Whitehead Samuel Anderson & Elizaeth Anderson his wife, Wm McDaniel & Marcus C McDaniel his wife, Isaac McDaniel & Luba R McDaniel his wife, Vella L Whitehead, John H M. Whitehead, Lorena M. Whitehead & Martha J Whitehead be made the parties defendants to this bill, and required to answer the same on oath, the said infants by a Guardian ad litem to be assigned them; and that your honor will decree a partition of the said real estate among and between the parties according to their ^{said} several and respective rights therein, and for all further and general relief. May process issue &c. And your orators & oratrix

will ever pray.

Richmond & Orr. for
Complainants.

6 8.37
Calc 3.20
14 15.00
Comm
J. A. L. 5.00

A. S. Whitehead (RVC) Val.

vs Bill in Chy.

John M. Whitehead & Val.

1888, Mr. Spa accepted and

D. Vasi as to adult Deft

" Apr. D. Vasi Conf'd and

G. A. L. filed + Cause

Set for hearing

" Apr. Decree sc. out

Sept Decree final

Examined Dec. 1890

Filed for R. J. J. 1890
2.28

To the Hon^d W. S. K. Morrison Judge of the
Circuit Court of Lee County Virginia.
The joint answer of Nella L Whitehead,
John W M Whitehead, Lorena M Whitehead and
Marcha J Whitehead, infants under the age of
twenty one years, by John M Whitehead their
father and Guardian ad litem appointed
to defend their interests in this suit, to a
bill filed in this honorable court against
them by A. S. Whitehead & others.
The respondents by their said Guardian
ad litem answers and says, that they
are of tender years, ~~and~~ ^{but} know no reason
why the land in the bill mentioned should not
be partitioned as prayed for, but your honor's
court being the peculiar Guardian of the interests
of infants, this respondent begs to place the inter-
ests of his said wards in your honor's hands.
And having answered prays to be dismissed
with his costs.

John M Whitehead.
Es. A. Litem

A. S. Whitehead ^{et} _{als}

v3 { And G. A. L.

John M. Whitehead ^{et} _{als}

Filed at App. Rules

1888.

J. A. Hyatt or

A. S. Whitehead & others Plffs }
against- } In chy.

John M Whitehead & others Defts }

This cause came on again to be heard upon the papers formerly read in the cause, and the report of A. B. Munsey, Jesse S. Rice & Wm. Brown, commissioners appointed to partition the lands of Ursula Whitehead deceased among her heirs, filed in the cause August 15th 1888, and to which report there is no exception, and was argued by Counsel. On consideration whereof, it appearing to the Court that in the partition made by the said Commissioners to and amongst the heirs of the said decedent, of the lands in the bill and proceedings mentioned lot number "1" fell to the share of Alexander S. Whitehead; lot number "2" fell to the share of Martha J. Whitehead; lot number "3" fell to the share of Lorena M. Whitehead; lot number "4" fell to the share of John H. M. Whitehead; lot number "5" fell to the share of Vella L. Whitehead; lot No "6" fell to the share of Mary E. Anderson wife of Samuel Anderson; lot No "7" fell to the share of Lula R. McDaniel wife of Isaac McDaniel; lot No "8" fell to the share of Jennima L. Wood wife of Wm. R. Wood and lot No "9" fell to the share of Darcus McDaniel wife of Wm. McDaniel, the Court

doth approve and confirm the said report,
and doth adjudge, order and decree that
each of said heirs take and hold the lot assi-
gned them respectively by said Commissioners,
free from the claim of the other heirs, together
with the water right ^{given} to certain of said heirs
as set forth in the report & plat of said Com-
missioners, And as to the shares of the infant
heirs, Nella L Whitehead, John & M Whitehead,
Lorena M Whitehead & Martha J Whitehead
they are subject to the interest for life, by
the courtesy, of their father, John M White-
head, and as to the other shares, the adults,
they are to be held free from any such
claim of the said John M Whitehead, he hav-
ing released the same.

And the Court doth further adjudge, order &
decree that the costs of this suit shall be paid
by the said ^{nine} heirs in equal proportions.

And the Clerk of this Court will deliver to
the Clerk of the County Court of this County, for
recordation, the decree for partition, the
report & plat of said Commissioners and
this decree. And the cause is stricken ^{from} off
the docket.

A. S. Whitehead vs

vs { Decree Final }

John M Whitehead vs

Entered vs. page 147-8

J. G. Hyatt & Co.

Enter this decree.

W. A. N. M.

Sept 4 1888.

A. S. Whitehead et als. Plffs
against-
John M Whitehead et als Defts.

This cause came on to be heard upon the bill and process duly executed on the adult defendants and the answer of the infants defendants by John M Whitehead their Guardian ad litem, and was argued by counsel. And it appearing to the Court that the process issued in the cause has been executed on the adult defendants the time required by law, and they having failed to appear and plead, answer or demur, the bill is taken for Confessed ^{as to} ~~against~~ them. On consideration whereof, it is adjudged, ordered and decreed that A. B. Munsey, Jesse S Wise & Wm Braum, who are appointed commissioners for the purpose, do go upon the land in the bill mentioned and partition the same among the heirs of Ursula Whitehead deceased, ^{giving to each of said heirs one ninth thereof} said Commissioners will lay off and assign to the four infant defendants their shares adjoining each other, if the same can be done without prejudice to the rights of the other parties in interest and will report their action to this court. And the cause is continued.

A. S. Whitehead et al

vs { Decree 101.

John M Whitehead et al

Entered page 118

J. A. G. Syall & Co.

Real Estate Bookers.

Page 220

Enter this decree

H. S. K. M.

Apr 30 1888.

Virginia

At a Circuit Court continued &
held for Lee County at the Court House
thereof Tuesday April 3rd 1888

A. S. Whitehead et al

Plffs. 3

vs

2d Chancery

Jno. M. Whitehead et al

Defts. 3

x x It is adjudged, ordered & decreed
that A. B. Munncey, Jesse S. Mice & William
Brown, do go upon the lands in the bill
mentioned and partition the same among
the heirs of Ursula Whitehead Decd. giving to
each of said heirs one fifth thereof

Said Commissioners will lay off & assign
to the four infant defendants their shares ad
joining each other if the same can be done
without prejudice to the rights of other parties
in interest & report their action to this
Court # # # #

A Copy

Teste J. A. G. Hyatt, c. c.

A. S. Whitehead et al

vs 3 Copy of Decree

Jno. M. Whitehead et al

Handed Copies of
this Decree from
the courts to the
Plff. June 6th 1888.

Hyatt cc

Clarks fee \$1.00

A. S. Whitehead & others, Plaintiffs
against
John M. Whitehead & others, Defendants } In ch. 5.

The undersigned Commissioners in this cause, respectfully reports, that pursuant to a decree rendered therein at the March term 1888, they have partitioned the land, in the bill and said decree mentioned, among the heirs of Ursula Whitehead deceased, as follows, giving to each one ninth part thereof, quantity, quality &c considered. -

Lot No 1. we have laid off and assigned to Alexander S. Whitehead, ~~deceased~~ as follows, to wit: Beginning at figure 1 (on plat), a corner to original Survey, and with the same N 29 W 110 poles to figure 2, ^{an plat,} an original corner, thence N 58 1/2 E 30 poles to a Black oak & Small Chestnut, thence S 29 E 120 poles to a Stake in the South line of said Survey, thence S 79 W 30 poles to the beginning, containing 21 acres.

Lot No 2. we have assigned to Martha J. Whitehead, Beginning at figure 2 on plat, a rock, an original corner, and a corner to lot No 1, and with the original line N 46 3/4 W 77 poles to two Sourswoods in the old line and leaving same N 48 E 68 1/2 poles to a rock in

a field, thence S 23 E 91 poles to a Spotted oak
Saurwood & Small white oak, thence S 5-8 1/2 W.
44 poles to the beginning, containing 33 1/2 acres.
Lot to 3. We have assigned to ^{John} ~~James~~ M.
Whitehead. Beginning at ^{on plat,} two Saurwoods in
the original line, a corner to lot to 2. and
with the original lines N 46 1/2 W 52 1/2 poles
to figure 3 on plat, a black oak, Smith's Corner,
and with his lines N 72 1/2 E 22 poles to ~~figure~~
a Stake, N 19 3/4 W 11 poles to two Small post
oaks, N 71 3/4 E 52 poles to a Small black oak,
N 30 1/2 W 33 poles to a Poplar, N 11 E 17 poles
to a large Chestnut, S 81 1/2 E 37 poles to a
rock by the branch, thence leaving the old
lines S 22 1/2 E 49 poles to a Stake in the field
on a hill. S 48 W 97 1/2 poles to the Beginning.
Containing 32 Acres.

Lot to 4. We have assigned to John ~~H.~~ M.
Whitehead. Beginning at "A" on plat, a Black
oak and Small Chestnut, a corner to lot to
1, and with a line of the same S 29 E 120 poles
to a Stake on the South line, and with the
same N 79 E 27 poles to a red oak Joshua Whit
head's corner and with his lines N 30 W 60 poles
to a chestnut, N 18 poles to a red oak, N 53 E 32
poles to a Stake, N 67 E 4 poles to a Stake, thence
leaving said Whitehead's lines N 36 W 64 poles
to a black oak sapling, thence S 58 1/2 W 61 poles

to the beginning, Containing 32 acres.

Lot No 5. We have assigned to Vella L Whitehead, Beginning at "h" on plat, three Chestnut saplings from the same root, and a small black oak a corner to lot 10 4, S $59\frac{1}{2}$ W 44 poles to a spotted oak, Sourwood & Small white oak, a corner to lot 10 2, N 23 W 91 poles to a stake in a field, a corner to lot 10 2, N 48 E 29 poles to a stake on a hill, a corner to lot 10 3, N $22\frac{1}{2}$ W 49 poles to a rock at the branch Smith's corner, and a corner to lot 10 3, S $65\frac{1}{2}$ E 24 poles to a rock, and thence S $29\frac{3}{4}$ E 125 poles to the Beginning, Containing $33\frac{1}{2}$ Acres.

Lot No 6. We have assigned to Mary E Anderson, ^{wife of Samuel Anderson,} Beginning at a stake in Joshua Whitehead's line, a corner to lot 10 4, and with the same N 67 E 82 poles to a walnut in A. B. Munsey's line, and with his line N 20 W 53 poles to two small black oaks north of a small sink, and thence leaving said line S 73 W 99 poles to a black oak sapling, S $29\frac{3}{4}$ E 64 poles passing a corner to lot 10 4 to the beginning, Containing 32 acres.

Lot No 7. We have assigned to Lula R McDaniel wife of Isaac McDaniel, Beginning at two small black oaks, a corner to lot 10 6, and with Munsey's line N 20 W 52 poles

to two black oak saplings and a small gum
thence leaving Mumsey's line S 73 W 111 poles
to a Stake in a line of lat No 5, and with the
same S 29 $\frac{3}{4}$ E 51 poles to a black oak & chestnut
a corner to lat No 6, and thence N 73 E 99
poles to the beginning, Containing 32 acres.

Lat No 8. We have assigned to Jennina C
Wood wife of Wm R Wood. Beginning at "n"
^{on plat,} two black oak saplings on Mumsey's line, and
with the same N 20 W 50 poles to a dogwood,
thence leaving Mumsey's line S 73 W 110 poles to
a Stake, thence N 65 $\frac{1}{2}$ W 16 poles to a Stake a
corner to lat No 5, and with a line of the same
S 29 $\frac{3}{4}$ E 66 poles to a ^{stake,} corner to lat no 7, and
with the same N 73 E 99 poles to the Beginning.
Containing 36 $\frac{1}{2}$ acres.

Lat No 9. We have assigned to Darcus E
McDaniel wife of Wm McDaniel. Beginning
at "f" on plat, a dogwood on Taylor's line, a
corner to No 8, and with a line thereof S 73 W.
110 poles to a Stake, N 65 $\frac{1}{2}$ W 32 poles passing
a corner to lat No 5, to a Rock at the branch
thence N 60 $\frac{1}{2}$ E 14 poles to a white oak on a
hill side, N 52 E 94 poles to a chestnut oak
on the North side of a ridge, N. 74 E 42
poles to a large poplar on the North side
of said ridge, S 20 E 63 poles with Taylor's
line to the beginning, Containing 41 $\frac{1}{2}$ acres.

There is but one spring on said farm, and it is on lot No 5 - near the line dividing this lot and No 9. but we have given the owners of lots Nos 7, 8 & 3 free access, and the right, to this spring for drinking and other household purposes.

We have laid off the shares of the four infants, Nella L Whitehead, John M Whitehead, Lorena M Whitehead & Martha J Whitehead, Nos 2, 3, 4 & 5, adjoining each other, and subject to the life interest of the defendant, John M Whitehead their father; and we have laid off and assigned the shares of the adults, Nos 1, 6, 7, 8 & 9, free from such claim of the said defendant, he releasing the same.

A plat of said partition is herewith filed marked "X".

To

Hon

H. S. K. Morrison, Judge &c.

A. B. Munsey

Jesse S Wise

William Brown

} Commis-
sioners.

August 10th 1888.

Virginia Lee County to wit:-

On the office of the clerk of the
said county the 28th day of August 1890.
The foregoing report and Plate together
with the decrees therewith was
filed in my office and admitted
to record.

John R. Gilson
clerk.

A. S. Whitehead et al.

vs. Council Report. 2

John M. Whitehead et al.

Filed Aug. 15th 1888.

J. A. S. Whitehead et al.

Recorded Decd
Book 26. Page 221.

2

Whitehead case

A. B. Munsey
Jesse & Miss. James
Hm Brown.

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

John M. Whitehead
Samuel Anderson & Elizabeth Anderson his wife,
William M. Daniel & Darius M. Daniel his wife,
Isaac M. Daniel & Lula R. M. Daniel his wife,
Nella L. Whitehead, John D. M. Whitehead,
Lorena M. Whitehead and Martha J. Whitehead
To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *March* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *them* by *A. S. Whitehead and*
Wm. R. Wood & Jermina C. Wood his wife

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *16th* day of *February* 18*88*, in the 112 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

